

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

FRANK C. BUCKNER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CASE NO. 2:15-cv-00861 JRC

ORDER ON UNOPPOSED MOTION  
FOR EQUAL ACCESS TO JUSTICE  
ACT FEES

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local

Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge

and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6).

This matter is before the Court on plaintiff's Unopposed Motion for Equal Access to Justice Act  
Fees (*see* Dkt. 19).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), plaintiff's motion  
(*see* Dkt. 19), the attorney declaration and time itemization (Dkt. 19, Attachments 1, 2), and the  
relevant record, it is hereby ORDERED that EAJA attorney's fees of \$7,325.78 shall be awarded

1 to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524,  
2 2010 U.S. LEXIS 4763 at \*\*\*6-\*\*\*7 (2010).

3 The Acting Commissioner shall contact the Department of Treasury after the Order for  
4 EAJA fees is entered to determine if the EAJA fees are subject to any offset. If it is determined  
5 that plaintiff's EAJA fees are not subject to any offset allowed pursuant to the Department of the  
6 Treasury's Offset Program, then the check for EAJA fees shall be made payable to David M.  
7 Church, Esq., based on plaintiff's assignment of these amounts to plaintiff's attorney (see  
8 Plaintiff's Declaration, Dkt. 19, Attachment 3). If there is an offset, the remainder shall be made  
9 payable to plaintiff, based on the practice of the Department of the Treasury (see, e.g., Case No.  
10 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees shall be mailed to plaintiff's counsel,  
11 David M. Church, Esq., at Law Office of David M. Church, PLLC, P.O. Box 656, Moxee, WA  
12 98936.

13 Dated this 17th day of February, 2016.



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15 J. Richard Creatura  
16 United States Magistrate Judge  
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